

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

RECEIVED  
2004 MAY -6 PM 4:11

T.R.A. DOCKET ROOM

IN RE:

UNITED CITIES GAS COMPANY, a  
Division of ATMOS ENERGY  
CORPORATION, INCENTIVE PLAN  
(IPA) AUDIT

DOCKET NO.  
01-00704

UNITED CITIES GAS COMPANY, a  
Division of ATMOS ENERGY  
CORPORATION, PETITION TO  
AMEND THE PERFORMANCE BASED  
RATEMAKING MECHANISM RIDER

---

**OBJECTIONS TO ATTORNEY GENERAL'S INTERROGATORIES AND REQUESTS  
FOR PRODUCTION SERVED ON THE TENNESSEE REGULATORY AUTHORITY  
STAFF**

---

The Staff of the Energy and Water Division of the Tennessee Regulatory Authority ("Staff"), pursuant to the Hearing Officer's Order of April 28, 2004 directing that objections to pending discovery requests in this docket be filed by the close of business on May, 4, 2004, hereby submit the following objections to the interrogatories and requests for production received by Staff on April 30, 2004:

**INTERROGATORIES**

1. State each fact you rely on to support your contention that the proposed settlement is necessary and proper for the public convenience and properly serves the public interest.

**Response: Objection. Interrogatory No. 1 references an inapplicable standard for Authority approval of the proposed settlement and improperly suggests that Staff contends the inapplicable standard should govern the proposed settlement.**

## **REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS**

2. Copies of any and all documents reviewed to prepare your answers or responses to these Interrogatories.

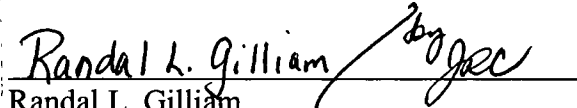
**Response: Objection. Request for Production No. 2 is vague, overly broad, unduly burdensome and seeks information that is irrelevant and not otherwise reasonably calculated to lead to the discovery of admissible evidence. In addition, Request No. 2 seeks information that may fall within the work product and attorney-client privileges.**

4. Each document, photograph, or any other article or thing whatsoever, upon which you rely in support of your contention(s), position(s) or belief(s) that the proposed settlement is necessary and proper for the public convenience and properly serves the public interest.

**Response: Objection. Request for Production No. 4 references an inapplicable standard for Authority approval of the proposed settlement and improperly suggests that Staff contends the inapplicable standard should govern the proposed settlement.**

Respectfully submitted,

ENERGY AND WATER DIVISION  
OF THE TENNESSEE REGULATORY AUTHORITY

A handwritten signature in cursive script, reading "Randal L. Gilliam", followed by a horizontal line and a small mark.

Randal L. Gilliam  
Attorney for Staff  
460 James Robertson Parkway  
Nashville, TN 37243  
Randal.Gilliam@state.tn.us  
(615) 741-3191 ext. 212

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing has been served via hand delivery or US Mail upon the persons listed below this 4<sup>th</sup> day of May, 2004.

Russell T. Perkins  
Timothy C. Phillips  
Shilina B. Chatterjee  
Office of the Attorney General  
Consumer Advocate & Protection Division  
P.O. Box 20207  
Nashville, TN 37202

Joe A. Conner  
Misty Smith Kelley  
Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C.  
1800 Republic Centre  
633 Chestnut Street  
Chattanooga, TN 37450-1800

Randal L. Gilliam / <sup>by</sup> JEC  
Randal L. Gilliam